

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

-

WRIT PETITION NO : 16257 of 2004

Between:

Kurupudi Venkataramana, S/o.Late Seshayya,
R/o.Cheduvada, Kajuluru Mandal, E.G.Dist.

..... PETITIONER

AND

1 The Govt. of A.P. rep.by its Prl.Secretary Endowments, Secretariat

buildings, Hyderabad.

2 The Commissioner, Endowment Dept., Boggulakunta, Hyderabad.

3 Sri Rama chandra Murthy Temple, rep. by its founder Trustee, Surya Rao

Pet, Kakinada, E.G.District.

4 Cheduvada Gram Panchayat, rep. by its Sarpanch, Sri Pulagala Bhima Rao,
Cheduvada, Kajuluru Mandal, E.G.Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus, or any other appropriate writ, order or direction, declaring the action of the respondents 3 & 4 by making preparations to construct the water tank without following the procedure contemplated under the Act are highly illegal, arbitrary, and against the principles of natural justice.

Counsel for the Petitioner: MRS.D.GEETHA

Counsel for the Respondent Nos.1 and 2: GP FOR ENDOWMENTS

Counsel for the Respondent No.3: MR.DANTU SRINIVAS

Counsel for the Respondent No.4:SMT.N.INDRANI

The Court made the following:

ORDER:

The petitioner seeks a declaration that the alleged action of respondents 3 and 4 in attempting to construct a water tank without following the procedure as contemplated under the Land Acquisition Act, is arbitrary and illegal.

Admittedly, the land in question belongs to the third respondent-temple and the petitioner claims to be a lessee. According to the petitioner, the fourth respondent Gram Panchayat intends to construct overhead tank for supply of drinking water to the villagers through pipeline and for the said purpose on a request made by the fourth respondent, the third respondent agreed to provide the land out of the land leased in favour of the petitioner. The only contention raised by the petitioner is that his lease is subsisting till 2006 and therefore, respondents 3 and 4 are not entitled to lay the pipeline or to dig the bore well without following due process of law as contemplated under the Land Acquisition Act.

As can be seen from the pleadings and the material on record, the dispute purely relates to enforcement of terms and conditions of the lease agreement between the petitioner and third respondent. Since the matter does not involve enforcement of any legal right or statutory obligation, the petitioner is not entitled to invoke the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India.

Accordingly, the writ petition is dismissed as not maintainable. However, this shall not preclude the petitioner to work out the appropriate remedy as available under law. No costs.

13.09.2004

VGB

To

1 The Principal Secretariat, Govt. of A.P., Endowments, Secretariat

Buildings, Hyderabad.

2 The Commissioner, Endowment Dept., Boggulakunta, Hyderabad.

3 2CCs to the Government Pleader for Endowments, High Court Buildings,

Hyderabad (OUT)

4 2CD copies